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COMMISSION ON SECURITY AND COOPERATION

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PUBLIC BRIEFING

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The Briefing was held in Room 2359, Rayburn House Office Building, Washington, D.C., at 2:15 p.m., Mary Sue Hafner, Deputy Staff Director and General Counsel, presiding.

PRESENT:

MARY SUE HAFNER

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I-N-D-E-X

<u>TESTIMONY OF:</u>	<u>PAGE</u>
Janelle Diller, Legal Director International Human Rights Law Group	6
Steven Schneebaum Patton, Boggs & Blow	8
Ambassador David Korn	23

P-R-O-C-E-E-D-I-N-G-S

2:15 p.m.

Ms. Hafner. First of all, I would like to welcome everyone to this briefing this afternoon. My name is Mary Sue Hafner and I am Deputy Director and General Counsel of the Helsinki Commission.

We are here today to hear from a delegation from the International Human Rights Law Group who have just returned from Turkey for a four day visit where they have been looking into the Turkish Parliament's action in stripping seven parliamentarians of their immunity stemming from their exercise of free speech. They also looked into the arrest, detention and the impending prosecution of six of those parliamentarians on charges that carry the death penalty. Finally, the delegation looked into the court proceedings aimed at dissolving the Kurdish-based Democratic Party, also known as DEP.

The Commission is an independent government agency which was created in 1976 to monitor implementation of the Helsinki Final Act. We are comprised of nine members from the House of

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1 Representatives and nine members from the Senate. We
2 also have three Executive Branch officials appointed by
3 the President.

4 The Commission's concerns with Turkey date
5 back well over 13, 14 years. In 1982, the Commission
6 issued its first staff report on Turkey, at a time when
7 the military had taken over about two years previously.
8 The Commission found that there were drastic and
9 dramatic improvements needed in the human rights
10 picture. That was followed about five years later when
11 the Commission's co-chairman, Representative Hoyer,
12 visited Ankara with the North Atlantic Assembly. He
13 used that occasion to meet with Turkish government
14 officials as well as members of the Kurdish group, human
15 rights activists and other political activists.

16 Following his visit, the Commission issued its
17 second staff report which was approximately 1989. The
18 Commission took note of the marked improvement in the
19 human rights situation in Turkey.

20 About a year or two years later, Senator
21 Dennis DeConcini, the Commission's chairman, led the
22 first official delegation to Turkey. At that time, he

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1 was able to visit, go into several Turkish prisons and
2 meet with political activists whom we called political
3 prisoners. His visit was subsequently followed by a
4 report by the Chairman and Senator Dennis DeConcini made
5 note of the very serious human rights problems that were
6 persisting in Turkey.

7 Over the past couple of years, we have held
8 numerous briefings as well as these types of hearings on
9 the human rights violations that continue to occur in
10 Turkey. Today's briefing is basically a reflection of
11 the Commission's continuing concern over the human
12 rights picture, one which we view as deteriorating
13 seriously.

14 I am very pleased to welcome two of the
15 delegates who were on the law group. First I will
16 introduce Ambassador David Korn. He is a Middle East
17 expert. He served 31 years in the Department of State
18 and was also Ambassador to Togo from 1986 to 1988. He
19 has authored several books on human rights,
20 international law on the Kurds and the politics of the
21 Middle East as well as Africa.

22 The delegation was led by Mr. Steven

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1 Schneebaum, an attorney and partner at Patton, Boggs and
2 Blow. He is a member of the Executive Committee, the
3 Law Group's Board of Directors. From 1976 to 1978 he
4 also served in the General Counsel's office at USIA.

5 The Commission is very pleased to welcome you
6 here this afternoon.

7 First I would like to introduce Janelle
8 Diller, who is the legal director of the Law Group. I
9 think she has perhaps a few opening remarks.

10 Ms. Diller. Thank you very much. Good
11 afternoon.

12 The Law Group deeply appreciates the gracious
13 hosting of this forum by the Commission and we also want
14 to thank the law firm of Patton, Boggs and Blow, of
15 which our Executive Committee member Steve Schneebaum is
16 a partner, for helping to prepare the delegation for its
17 mission, including the preparation of this briefing
18 book, as well as assisting the Commission here in
19 preparing for this briefing.

20 We at the Law Group are gravely concerned at
21 our findings in investigating the prosecution of the
22 members of Parliament in Turkey and the proceedings to

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1 ban the Kurdish-based Democracy Party, called the DEP.
2 We believe the situation in Turkey, including these
3 cases we have investigated, calls for a full hearing in
4 this Congress on Turkey's treatment of the Kurds in its
5 territory.

6 We embarked on this mission at the request of
7 concerned Turks, Kurds and international non-
8 governmental colleagues. We received the support of
9 this Commission and the Chairman of the Senate Foreign
10 Relations Committee. Despite even this support, the
11 Turkish government refused our request to meet with the
12 detained DEP deputies. The government did, however,
13 facilitate our meetings with senior officials of the
14 Ministry of Justice and the Ministry of Foreign Affairs,
15 as well as the chief prosecutor in the cases involving
16 the Kurdish deputies.

17 Our team also met with Chairman of the
18 Parliament's Foreign Affairs and Human Rights
19 Committees, the only deputy released pending trial,
20 Islamic politician, and lawyers for the Kurdish
21 deputies.

22 Our over arching aim as an organization is to

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1 encourage the incorporation of international human
2 rights standards into national laws. This goal is
3 nowhere more critically needed than in the situation
4 that's the subject of our mission and discussion today.
5 We have worked toward this end in more than 80 countries
6 around the globe. We seek to empower locally based
7 advocates to promote human rights through strengthening
8 the rule of law in their own countries. We do this by
9 providing on-site training in human rights advocacy and
10 legal reform. As a lawyer's group, we also observe
11 trials to monitor the degree to which judicial processes
12 conform to international standards.

13 For example, we have recently observed the
14 Paul Hill trial in Ireland and the trial of
15 fundamentalists in Tunisia. We would like to observe
16 also the trials of the DEP deputies, should those trials
17 take place, and that of the Islamic deputy in Turkey as
18 well.

19 I welcome your interest in this subject and
20 now turn to Steve to begin our presentation.

21 Mr. Schneebaum. Well, thanks, Janelle.

22 Thanks also to the Commission for hosting this

1 event which provides us with an opportunity to think out
2 in public what we perceived while we were in Turkey and
3 what we propose to conclude now that we are back.

4 The delegation was in Turkey for four days.
5 As Janelle mentioned, we are a legal organization, that
6 is an organization of volunteers, lawyers, who volunteer
7 their time, although some of our friends, like
8 Ambassador Korn, are not lawyers. We allow them to join
9 with us from time to time and make their contributions.
10 We are a legal organization and our focus is on the
11 implementation of international human rights law as law,
12 and the adherence of countries around the globe,
13 including the United States, to the standards to which
14 they are committed as a matter of both customary and
15 conventional international law.

16 Specifically, what concerned us in Turkey were
17 two proposed or pending judicial actions. One is the
18 prosecution of the seven parliamentarians, six of them
19 under Section 125 of the penal code, to which I will
20 return later, and the seventh under a different section
21 of the code, and also the prospective dissolution of the
22 Democracy Party, the essentially Kurdish-based party

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1 which now has, counting the detained deputies, 13
2 members of the Grand National Assembly of Turkey.

3 We conclude that both of those actions, that
4 is the prosecutions of the parliamentarians and the
5 prospective dissolution of the party, constitute
6 derogations, violations of Turkey's international legal
7 obligations under both customary and conventional
8 international law. But again, more of that later.

9 Before getting into the details of the report,
10 I do want to mention a couple of things that ought not
11 to get lost in the rush to find a conclusion here. One
12 is that we were extended extraordinary courtesies by the
13 Turkish government, with the exception of our inability
14 to visit the detainees, and we were not permitted to see
15 them. We were able to talk with just about anybody we
16 wanted, from the Deputy Under Secretary level at various
17 ministries through members of Parliament, lawyers on
18 both sides of the matter, both the state prosecutor and
19 the defense lawyers. We were able to talk with the
20 Islamic deputy, Mr. Mezarci, who is not in prison, and
21 we owe a debt of thanks to the government in general and
22 to the Embassy here in Washington in particular for

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1 making those visits and those opportunities available to
2 us.

3 The second point worth noting at the outset is
4 that in Turkey our perception was that political debate
5 takes place very openly. At least in Ankara it does.
6 It was routine for people who visited us, people
7 including several with strongly anti-government views,
8 who visited us and would have conversations with us in
9 the lobby of the Hilton Hotel in the full view of the
10 public and anybody who walked by, to express themselves
11 loudly, vehemently even, about their views of what the
12 government was up to in this case and in other cases.
13 It was encouraging to me to see the willingness with
14 which people expressed dissident political views with
15 absolutely no apparent fear of reprisal or retaliation.

16 Now, that is the good news and it is good
17 news. It is not a matter of insignificance that at
18 least the English language, Turkish Daily, the Turkish
19 Daily News, described the arrest and prosecution of the
20 Parliamentarians as a trampling on justice. We conclude
21 that they were right in so doing, but the important
22 thing to note is that they did it. They did it openly

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1 and they did it, again, without fear of reprisal.

2 Now, with that as background, there is, of
3 course, no general right of Parliamentary immunity and
4 international law. Indeed, people who live and work in
5 this building know that perhaps better than anyone. The
6 United States does not have a system of parliamentary
7 immunity, for example, except with respect to speech and
8 debate in the Congress itself, as that might be broadly
9 interpreted by the courts. By a congressman who
10 violates the law in his or her private capacity or
11 outside of the city of Washington, not acting as a
12 member of Congress, is subject to prosecution and nobody
13 thinks that there's anything abusive about that.

14 The problem here, the problem in Turkey is not
15 the fact that the prospective defendants in these
16 actions are members of Parliament. The problem is that
17 the acts of which they stand accused are entirely speech
18 acts, they are not physical acts. The statute under
19 which all by Mr. Mezarci, the Islamic fundamentalists,
20 the statute under which all of them are being prosecuted
21 is the following, and I'll read it in full. "Whoever
22 commits an act intended to put the entire or a part of

1 the territory of the state under the sovereignty of a
2 foreign state or to decrease the independence or to
3 disrupt the union of the state or to separate a part of
4 its territory from the administration of the state shall
5 be punished by penalty of death."

6 Now, that is Article 125 of the Turkish Penal
7 Code. It emphasizes acts, whoever commits an act. Not
8 whoever makes a speech or whoever makes a promise to
9 voters, but whoever commits an act. The position of the
10 public prosecutor is, as one would expect, that a
11 threatening speech is an act, that incitement to
12 violence is violence and so on. Irrespective of how one
13 feels about those propositions in the abstract, one need
14 only consider that standard against the actual words
15 spoken by these members of Parliament to see that what
16 is being proposed to be punished here is not action, but
17 words. Indeed, words that specifically espouse the
18 constitutional systems, words specifically intended to
19 give rise to constitutional peaceful, legal challenges
20 to the existing power structure in Turkey.

21 For example, one of the allegations against
22 the members of Parliament is that several of them, upon

1 completing a demographic questionnaire when they were
2 sworn into Parliament, a demographic questionnaire that
3 asked where did you go to school and how many brothers
4 and sisters you have. One of the questions that the
5 questionnaire put to the new members of Parliament was
6 what foreign languages do you speak. Several of the
7 Kurdish MPs said Turkish. That is cited, in all
8 seriousness, as an illustration, as an example, as a
9 count in the charge of separatism.

10 Now, we submit and we conclude based on the
11 investigation we performed in Turkey as well as the
12 legal analysis that we've carried out both before and
13 since that even if it is consistent with governing norms
14 of customary and conventional international law to
15 punish acts that would support, would tend to support
16 the separatism of the Kurdish region of Turkey from the
17 central administration. It is not consistent with
18 Turkey's commitments, legal commitment to forbid that
19 kind of speech. The specific norms of which this is, we
20 conclude, a violation are set out in our statement.

21 There are several provisions of the Universal
22 Declaration of Human Rights which we allege are violated

1 by this: Article 9 concerning arbitrary arrest; Article
2 19 concerning freedom of expression; Article 20
3 governing freedom of association; and Article 21
4 concerning the right to participate in government. And
5 Article 21, we would point out, is violated by the
6 proposed action not only in that the individual members
7 of Parliament are threatened with removal from
8 participation in the government process, but those who
9 elected them to office are threatened with
10 disenfranchisement because their elected MPs will no
11 longer be representing them on the floor of the Grand
12 National Assembly in Ankara.

13 The Universal Declaration, as everyone knows,
14 is not a treaty. It is, however, almost without
15 exception considered to be a binding interpretation of
16 the Human Rights Provisions, Articles 55 and 56 of the
17 United Nations Charter. Turkey, of course, has been a
18 member of the United Nations since its inception.

19 Now, the European Convention of Human Rights
20 is a treaty and it is a treaty specifically binding on
21 Turkey. In large measure, the European convention on
22 Human Rights incorporates in some cases verbatim the

1 provisions of the Universal Declaration. So, we allege
2 that there are similar violations of the European
3 Convention, Article 53 with respect to the presentation
4 of prisons to judicial authorities; Article 10 regarding
5 freedom of expression, which is the same as Article 19;
6 Article 11 on freedom of association; and Article 14
7 which specially protects national minorities within the
8 state's parties to the European Convention.

9 The European Convention on Human Rights is, as
10 I mentioned, a treaty binding on Turkey and under the
11 Turkish Constitution, Article 90, a treaty which is
12 formally adopted by the Grand National Assembly is
13 Turkish law for all purposes, prevailing even over the
14 Constitution. That is, the courts may not entertain an
15 action to the end of suggesting that a treaty is
16 inconsistent with the constitution itself.

17 Now, one of the key issues that we
18 investigated was exactly what are these MPs accused of.
19 If need there were evidence suggesting that they were
20 ordering massacres or throwing hand grenades or even
21 inciting others to do those things, then conceivably our
22 conclusions could be subject to rethinking. So, we

1 wanted to be very clear that we were talking about
2 speech and nothing else. When I say speech, I don't
3 mean to include incitement to riot. I mean we were
4 talking about political speech.

5 So, we probed everyone we spoke with,
6 including the prosecutor, to tell us what kinds of
7 allegations you have. We discovered that there is an
8 interesting wrinkle in Turkish statutory law that
9 reinforces our conclusion that we are, in fact, talking
10 only about speech crimes and that's this. In order to
11 be prosecuted, these members of Parliament had to have
12 their parliamentary immunity lifted. Now, as I said
13 earlier, there is no international law right to
14 Parliamentary immunity. However, in Turkey there is a
15 constitutional right, a statutory right, a domestic law
16 right to parliamentary immunity. The parliamentary
17 immunity was stripped. However, it was stripped from
18 these deputies based on a specific charging document
19 that was submitted by the state prosecutor to first the
20 Justice Department, ultimately to the Grand National
21 Assembly, "These are the charges," he said, "Members of
22 Parliament, these are the charges for which I want these

1 people to have to stand trial." Those charges are
2 strictly limited to speech act. Those charges include,
3 as I mentioned, saying that one speaks Turkish as a
4 foreign language or wearing green and yellow which are
5 said to be the colors of the PKK terrorist organization,
6 to the swearing-in ceremony before Parliament, things
7 like that.

8 Those charges then do not include the
9 allegations that we heard regularly in Ankara from
10 apologists for the government's position. We heard
11 regularly that everybody knows what's really going on
12 here, everybody knows that these people are not on trial
13 for such and such a speech given on such and such a day
14 in such and such a place. They are on trial for
15 inciting a terrorist organization to massacre innocent
16 Turks in the Southeast of Turkey. That, if proved,
17 would be a very serious charge indeed. Obviously it
18 would. However, the lifting of immunity does not
19 include those kinds of things. The evidence cited
20 before the Parliament does not include those kinds of
21 things, it includes only a list of specific speeches
22 given at specific times with specific words included in

1 them.

2 Now, we investigated then the question
3 whether, well, as in the United States, if you indict
4 someone for a crime, there is nothing stopping the
5 prosecution after the indictment from going out and
6 getting additional evidence which supports the charge
7 and can further embellish the prosecution's theory of
8 the case. But what we're dealing with here is rather
9 clearly not a matter of embellishing an existing theory.
10 The prosecution tells us that they have evidence, for
11 example, that the MPs directly incited PKK terrorists to
12 massacre people in a certain village. We were not able
13 to find out the name, we were not able to find out the
14 date, we were not able to find out even which MPs were
15 alleged to have done those things. But those charges,
16 we conclude, as a matter of Turkish law, are not capable
17 of presentation to the state security court at this time
18 because they were not within the lifting of immunity
19 that made it possible to prosecute these MPs in the
20 first place.

21 The case with respect to the DEP, the
22 Democracy Party, is similar. That is with respect to

1 the DEP, the allegations are again that speeches were
2 made, in this case not even speeches made by these
3 members by Parliament, but speeches made by the Chairman
4 of the Party, who is not a member and who is not a
5 defendant. Those speeches include exhortation to a
6 political point of view. It may be a political point of
7 view which is abhorrent in Ankara. It may be a
8 political point of view with which few people agree, but
9 that isn't the point. It is a political point of view
10 expressed peacefully with the hope and open intent that
11 people would act peacefully to bring about a political
12 objective. We submit that as long as Turkey is bound by
13 customary international law, as long as Turkey is a
14 party to such conventions as the European Convention and
15 the Helsinki Final Act, that that kind of
16 criminalization of political views is inconsistent with
17 Turkey's commitments to the international community as
18 a matter of law and one cannot help but add inconsistent
19 with Turkey's commitment to democracy as a matter of
20 policy.

21 Now, in saying that, I conclude with the point
22 that here in the United States we may sometimes lose

1 site of the importance of, and that is this, that there
2 is a spate of serious, dangerous violence that is going
3 on in Southeastern Turkey and there are terrorist bands
4 that are acting in Southeastern Turkey and whose acts
5 are not acceptable to the international community in
6 general and to anybody who cares about human rights law
7 in particular. Now, it has been suggested, it was
8 suggested to us in Turkey, that the government
9 authorities might be more willing to entertain such
10 views as ours if those who express those views make it
11 clearer that we do not accept, tolerate, welcome,
12 sponsor, in any way accept the existence of the kind of
13 terrorist activity that has been happening in the
14 Southeast of Turkey. Without getting into who is
15 responsible for what particular act, which was far
16 outside our mandate, the International Human Rights Law
17 Group has absolutely no hesitation in saying that terror
18 is prohibited as a means of achieving political
19 objectives on the part of all, not just governments but
20 insurgent groups, not just insurgent groups but
21 governments, by all. In particular, it is not
22 acceptable when coming from the PKK.

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1 So, our espousal of the view that the
2 prosecutions and the prospective dissolution of the
3 party are inconsistent with international law should not
4 by any one under any circumstances be read as being an
5 endorsement or an acceptance of terrorist organizations
6 that happen to take the same view with respect to the
7 Kurdish deputies that we do.

8 That is the essence of our report, and based
9 on that report we urge the Turkish government, of
10 course, to abandon this effort to provide legal cover to
11 what is essentially a political objective, that is the
12 illegalization of a point of view. We urge that if this
13 trial goes forward, it must take place in public. The
14 trial will occur before a state security court, a hold-
15 over from the days of military government in Turkey. It
16 is a court which is permitted to conduct its proceedings
17 in secret. That must not be permitted to happen here.
18 The stakes are too high. What's more, there must be
19 international observation of the trial of the DEP
20 deputies if the trial goes forward.

21 We further urge the government of Turkey to
22 abandon its effort to dissolve, to use the Turkish term,

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1 to dissolve or to illegalize the Democracy Party which
2 again, whether its views are agreeable or not agreeable,
3 is a constitutional vehicle for expressing certain
4 points of view. We urge that that be abandoned and we
5 urge that all friends of Turkey, and the United States
6 of course is a principal friend of Turkey, that all
7 friends of Turkey across the world unite in the view
8 that this kind of behavior is beneath the expectations
9 that we rightfully have of Turkey's conduct and that
10 Turkey will shortly return to a rule of law and to
11 adherence to international human rights norms.

12 Ms. Hafner. Thank you very much.

13 Ambassador Korn?

14 Ambassador Korn. Thank you.

15 After spending four days together with two
16 lawyers, I feel I have the right to recognition as an
17 apprentice lawyer, but I won't exercise that right.
18 I'll stick to other things.

19 I'd like to just go over briefly the
20 background against which the lifting of immunity
21 occurred and their arrest. It's a troubled one.
22 Kurdish insurgency in the Southeast, led by the PKK that

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1 has stubbornly continued to grow despite intensive
2 efforts by the Turkish Army and security services.
3 Every year in the spring, we were told, General Gures
4 announces that this year will be the end of the PKK
5 insurgency and every year it has gone on. So, there's
6 a great deal of frustration in official circles and
7 public circles.

8 An economic crisis that is reflected in an
9 inflation rate that this year has hit 125 percent, a
10 wave of bank failures and bankruptcies and growing
11 unemployment. In the five days that our delegation was
12 in Ankara, the Turkish lira lost over ten percent
13 against the dollar.

14 A growing Islamic fundamentalist movement
15 which, though still clearly a minority, does pose a
16 potential threat to secular Turkish democracy. In the
17 March 27 municipal elections, the Welfare, that is
18 Islamic Party, swept the Southeastern region of Turkey
19 and came into power in Ankara and in Istanbul. It's a
20 majority boosted evidently by a very strong Kurdish
21 vote.

22 Finally, a widespread public loss of

1 confidence that one could see expressed in the
2 newspapers everyday during the time we were there in
3 Prime Minister Ciller and her government and a general
4 expectation that the government will fall within the
5 next few months and possibly be replaced by more a
6 conservative government.

7 Now, I'd like to look briefly at the events
8 that led up to the lifting of immunity of the deputies
9 on March 2 and their arrest. On February 12, a bomb was
10 placed in a suburban Istanbul railway station, the
11 railway station that served the Turkish Military
12 Academy. Five Turkish Military Academy cadets were
13 killed and several more were wounded. The bombing was
14 attributed to the PKK, an active urban terrorism.

15 On February 17, a Democracy Party deputy made
16 public comments to the effect that the bombing was a
17 type of act inevitable so long as the war in the
18 southeast continues.

19 On February 18, in apparent retaliation for
20 the February 12 bombing, the Ankara headquarters of the
21 Democracy Party was bombed. One person was killed,
22 another was injured. A group called the Turkish Revenge

1 Organization, alleged to be connected with one of the
2 Turkish government security services, claimed credit for
3 the bombing.

4 On February 25, the Democracy Party announced
5 that it would boycott the March 27 municipal elections.
6 It declared that 325 of its candidates had been arrested
7 and 19 of its offices had been closed and therefore its
8 participation in the election had effectively been
9 nullified. Now, government spokesmen had told us,
10 stated to us that the real reason for the Democracy
11 Party's withdrawal was that it realized that it did not
12 have popular support and therefore would be discredited
13 by the elections. We were, of course, not able to
14 verify either of these hypotheses. We simply present
15 them for your consideration.

16 Now, amid these events, the chief of staff of
17 the Turkish Army, General Gures, made a public statement
18 reported in the press and not denied by anyone, by him
19 or anyone else. The following were his words. "There
20 is no need to look for the bandits in the mountains.
21 Unfortunately, some of them are under the roof of the
22 Parliament. The bandits are in the Parliament itself."

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1 Now, this was a clear accusation against the Kurdish
2 deputies, against the Democracy Party deputies and an
3 incitement to the Parliament to act against them and
4 that is exactly, of course, what happened.

5 So, it was very difficult for us to escape the
6 impression that the lifting of immunity of the Kurdish
7 deputies was politically motivated and was a direct
8 result of public frustration, political frustration, a
9 combination of circumstances that I have mentioned
10 earlier, and perhaps even a direct reaction to the
11 Turkish Army Chief of Staff's incitation.

12 I would just like then to mention two more
13 things. One is the Turkish policy toward the Kurdish
14 minority. As is well know, the traditional Turkish
15 policy toward the Kurds of Turkey has been one of
16 denial, denial that Kurds existed in Turkey, denial that
17 Kurds were a separate group of any sort, determining the
18 mountain Turks who have colorful customs and a little
19 local language but who were Turks nonetheless. This
20 denial began really at the outset of the Turkish
21 Republic and lasted until the end of the last decade, by
22 which time it really had no longer become sustainable.

1 At the beginning of the current decade, things
2 began to change and this change was welcomed in the
3 United States, in Western Europe and democratic nations
4 everywhere, I think. President Ozal expressed the
5 change and then he called for Turkish recognition of its
6 Kurdish reality.

7 Our concern over the arrest, the lifting of
8 immunity and arrest of the deputies is that this
9 particular act signals a reversal of the Turkish policy
10 of recognition of Turkey's Kurdish reality, that it
11 signals a return to the earlier policy of denial. Now,
12 among the Turkish officials we spoke with, there's some
13 very clear evidence that this attitude of denial
14 continues to exist. We were told, on the one hand, that
15 Turkey has no Kurdish problem and, in the same breath
16 almost, that it was necessary to act against the
17 deputies because the Turkish public is tired of seeing
18 its sons sent off to the southeast and come back in
19 boxes.

20 So, on the one hand, there is no Kurdish
21 problem and on the other hand there is a very serious
22 Kurdish problem, obviously if the situation is as

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1 portrayed. One of the very well placed foreign
2 observers, knowledgeable foreign observers that we met
3 with termed the insurgency in Southeastern Turkey
4 "Turkey's Vietnam," or something very like it. We, of
5 course, were not able to verify any of this. We were in
6 Ankara. Our mission was a legal mission, but all of
7 these things have an implication for the legal mission.

8 The other thing I would like to mention is a
9 man named Mehdi Zana who we met during our brief stay in
10 Ankara. We met him several times. We learned that he
11 is the husband of Leyla Zana, one of the Kurdish
12 deputies who was elected in 1991 whose immunity was
13 lifted on March 2 and who is now in prison. We learned
14 that he spent three years in prison in the early 1970s
15 for pro-Kurdish activities, political activities, that
16 in 1977 he was elected mayor of Diyarbakir and in 1980
17 he was arrested by the military government and held in
18 prison for 11 years.

19 Now, Mehdi Zana gave us copies of the book
20 that he had written in Turkish, published in Turkey,
21 published in Istanbul, about his 11 year imprisonment.
22 Obviously we weren't -- since none of speaks or reads

1 Turkish, we weren't able to read it, but we learned a
2 bit about the book and I was impressed that here this
3 man who had spent 11 years in jail was able to come out
4 and write about this experience and have his book
5 published. He said it had sold 6,000 copies, which we
6 understood was doing quite well on the Turkish
7 publications market.

8 So, I was impressed by this. I was shocked
9 this morning to learn that Mehdi Zana was on Friday
10 convicted and sentenced to four years in prison for
11 evidently, so far as we know at this moment -- I do not
12 have the details, I do not have all the confirmation,
13 but for a speech that he made in December 1992 to the
14 European Parliament. I have a copy of this speech. It
15 doesn't anywhere say that the Kurdish region should be
16 independent of Turkey. It protests against acts of
17 discrimination and political repression. It does not
18 advocate separatism.

19 Now, Mehdi Zana's conviction and sentencing to
20 four years in prison on a crime of speech, if this is
21 exactly what it was, directly contradicts the assurance
22 that was given us this morning by none other than the

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1 Ambassador of Turkey, who assured us that there is no
2 such thing as speech crime in Turkey, that people are
3 entitled and have a right to express their political
4 opinions freely in Turkey. If that is so, then I would
5 like to ask how is it that Mehdi Zana could have been
6 convicted and sentenced to four years for a speech.

7 Thank you.

8 Ms. Hafner. Thank you both very much.

9 I think it would be very helpful before we
10 open this up to the audience if perhaps, Steve, you
11 could give us a few more details about the legal basis
12 for abolishing -- the court proceedings, for abolishing
13 the Democratic Party.

14 Mr. Schneebaum. There is a provision of the
15 constitution, and if you give me a moment I will find it
16 and read it. Here it is. It's Article 69 of the
17 Constitution which says -- after setting out what you
18 must do to organize a political party under Turkish law,
19 it says, "Political parties shall not engage in
20 activities outside the lines of their statutes and
21 programs and shall not contravene the restrictions set
22 forth in Article 14 of the Constitution. Those that

1 contravene them shall be dissolved permanently."

2 So you refer then to Article 14 and see what
3 it is that political parties are not permitted to do.
4 Article 14 reads as follows, "None of the rights and
5 freedom embodied in the Constitution shall be exercised
6 with the aim of violating the indivisible integrity of
7 the state with its territory and nation, of endangering
8 the existence of the Turkish state and republic, of
9 destroying fundamental rights and freedoms, of placing
10 the government of the state under the control of an
11 individual or a group of people or establishing the
12 hegemony of one social class over others or creating
13 discrimination on the basis of language, race, religion
14 or sect or of establishing by any other means a system
15 of government based on these concepts and ideas."

16 So, the idea is then that a political
17 grouping, a political party, certified as a party under
18 the political parties law, that as a matter of policy
19 violates Article 14, loses its right to be so organized.
20 So, ultimately the question with respect to the party
21 is, we submit, the same as the question with respect to
22 the individual deputies, have they acted in a way so as

1 to engender separatism in a way that comes outside the
2 provisions here?

3 Now, given that the idea of cultural autonomy
4 or regional autonomy or whatever is an idea well
5 understood in democracies around the world, it seems
6 hard to believe that advocating something like that or
7 privileged status or a particular ethnic minority could
8 constitute an act so serious as to forfeit political
9 party status. In any event, that is the petition, the
10 petition before the constitutional court, not the state
11 security court. The petition before the constitutional
12 court is that the party has violated that provision and
13 we are told that in the event that that action is
14 successful, the members of the DEP, current members of
15 the DEP who are not in prison will lose their
16 parliamentary immunity, not only as to a specific group
17 of stated charges, but in general because once the party
18 is abolished they are no longer members of Parliament.
19 Once they're not members of Parliament, they can be
20 prosecuted for anything they might have said or done
21 irrespective of whether there has been a specific vote
22 in Parliament to lift their immunity.

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1 There is some precedent in Turkey for this.
2 In fact, recent percent, that DEP's predecessor, which
3 was the first institutionally Kurdish party that went by
4 the acronym HEP, the HEP was abolished, was dissolved by
5 the Supreme Court on similar grounds. There seems to be
6 now a move afoot for the members of the DEP to
7 reconstitute themselves as yet another Kurdish-based
8 political party. So, you can imagine the sort of point
9 counterpoint going on. The members of Parliament or the
10 politicians organized themselves according to a set
11 charter. That charter -- if someone moves against that
12 charter to have it set aside as illegal, they
13 reconstitute themselves under the same charter but a
14 different name and this goes on and on and on. But
15 there's every indication that that will happen again.

16 There is, however, a provision of the Turkish
17 constitution that calls for the dissolution of
18 Parliament in the event that too many members lose their
19 seats. There was quite a hot debate while we were there
20 as to whether the abolition of the DEP with the
21 resulting disenfranchisement of the DEP deputies would
22 require dissolution of Parliament. That's a result that

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1 nobody seems to want. Whether that will actually
2 happen, I'm not prepared to express a conclusion. I
3 simply don't know.

4 Ms. Hafner. Do you know how the dissolution
5 of Parliament would occur procedurally? Is there a
6 certain number of parliamentarians that would have to
7 lose their seats?

8 Mr. Schneebaum. Yes., there is. Why don't I
9 take a look at this while you're asking --

10 Ms. Hafner. Fine.

11 I would just add before we do go to the
12 audience that Turkey is a very serious member and
13 participant of the CSCE process. And, in fact, has
14 probably been a leader in a number of areas at many of
15 these CSCE meetings. I would also add to what Steve had
16 said earlier regarding the violation of international
17 agreements and also international law that not just the
18 Helsinki Final Act but a rather extensive document
19 adopted at Copenhagen in 1990 sets forth explicitly
20 freedom of speech, freedom of assembly, freedom of
21 association. It has extensive language to which Turkey
22 agreed regarding the formation of political parties as

1 one of the best ways of promoting pluralism in a
2 democratic society, and also has extensive language on
3 the protection of the basis for government, one of which
4 is the protection of its minorities.

5 I only point that out in terms of both that
6 these are -- again, although not international law,
7 these are agreements to which Turkey has committed
8 itself to and a process to which Turkey has committed
9 itself but is also a very serious player.

10 Mr. Schneebaum. I found the provision. It is
11 Article 78 of the Constitution which says that in cases
12 where the number of vacant seats reaches five percent of
13 the total number of seats, the total number of seats
14 being 450, bi-elections shall be held within three
15 months. Now, it's not clear whether that means bi-
16 elections for those vacant seats or whether we're
17 talking about a dissolution. It's simply not clear.

18 Ms. Hafner. You wouldn't reach that threshold
19 anyway, would you?

20 Mr. Schneebaum. Not with the elimination of
21 these members. However, there is a natural attrition
22 process. Again, this is not clear as to whether they

1 all get lumped together. There's been one death, for
2 example, a yet unsolved murder of a former DEP deputy,
3 and others who have departed from Parliament for one
4 reason or another. If that total number reaches five
5 percent, it's not clear what happens.

6 Ms. Hafner. I would like to open this up for
7 discussion. I would ask that you please approach -- we
8 have several microphones. If you would come up, please
9 give us your name and if you're with an organization
10 because this briefing is on the record and there will be
11 transcripts made and a publication made which will be
12 available to the public.

13 Yes, sir?

14 Mr. Suyari. Sabri Suyari, Institute of
15 Turkish Studies, George Washington University.

16 I appreciate your efforts to take the time and
17 energy and so forth to go to Turkey to look into the
18 human rights issues. I have one or two questions.

19 One, in your presentations, I have not heard
20 the word "the Parliament," emphasized very often. I
21 heard the government or the prosecutor and things like
22 that. As you well know, this was a vote that was passed

1 by the Parliament. According to the Turkish
2 Constitution, this is the way a deputy's political
3 immunity is removed. So, we're not looking at a one
4 party system, we're looking at a democratic form of
5 government in which the Parliament exercises this
6 authority. Interestingly enough, one-fifth of that
7 Parliament, of that 450 members are of Kurdish origin.
8 So, you're looking at a decision in which there was a
9 significant Kurdish input. The way in which the Turkish
10 Parliament deals with this issue is very similar to
11 other European democracies. Belgium, Iceland are the
12 two countries that come to my mind.

13 The second point that I'd like to raise is
14 that there is no Golden Rule in democracies, as you well
15 pointed out, that you cannot ban political parties or
16 you cannot lift the immunities of deputies. What
17 pluralist democracies say is that they will tolerate
18 significant political oppositions that are loyal to the
19 constitutional order of that state. As somebody who
20 teaches a graduate seminar at GW on Western European
21 politics, I can recite you numerous examples in which
22 Western European democracies have banned parties, have

1 lifted the immunities of deputies.

2 For example, in Germany in 1956, the German
3 Constitutional Court banned the Communist Party for
4 undermining the basic fundamentals of German state and
5 society, at a time when Communist Parties were free in
6 Italy and France, by the way.

7 In 1983, the Italian Parliament removed the
8 political immunity of Professor Tony Negre who was
9 elected to the Parliament from the Radical Party for
10 being "the theoretician," not the practitioner, the
11 theoretician of the Red Brigades. He was up for arrest
12 but went out of the country in time to escape and find
13 refuge in France.

14 So, democracies have to protect themselves
15 against extremist forces, against forces which do not
16 recognize their legitimacy. If you'll look at the
17 actions of DEP, ranging from the statements of its
18 leader to the way in which its party congresses have
19 turned into PKK meetings, to the way in which its
20 representatives speak in Europe and so forth, and I can
21 go into details on this, I don't want to take too much
22 time, you can see that there is a very serious question

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1 as to whether or not at this point they are to be
2 considered loyal opposition or disloyal opposition to
3 the state.

4 In political science, I don't know about the
5 legal profession, but we have continuous debates as to
6 what constitutes a loyal and what constitutes a disloyal
7 opposition. So, I'd like you if you can address those
8 issues.

9 Ms. Hafner. Thank you very much.

10 Mr. Schneebaum. Well, I greet my faculty
11 colleague from George Washington University where I
12 teach European law, as a matter of fact, as an adjunct.

13 As to the first point, it is of course the
14 Parliament that voted to lift the immunity of the
15 deputies. But as I tried to be careful to point out, it
16 is not the immunity of the deputies that really is at
17 issue. What is at issue is what they are charged with.
18 What is the crime that they allegedly committed? The
19 vote in Parliament was analogized to us repeatedly as
20 like a grand jury vote, like an indictment. That is,
21 the Parliament was not asked whether these people were
22 guilty, it was asked only whether there was sufficient

1 evidence to justify going forward with the trial. So,
2 yes, there was a public vote. However, the government
3 coalition obviously has "the votes" or it wouldn't be
4 the government coalition, and voted to remove the
5 immunity. That again is not the issue that we point to
6 as inconsistent with Turkey's international law
7 commitments.

8 As to the second point, I think the only one
9 of the analogies that you cite that is on point is the
10 Negre one. With respect to Negre, as I understand it at
11 least, the allegation was that there was evidence
12 directly connecting this man to specific acts of
13 violence. While here, the allegations are simply not of
14 that nature. Again, there may be -- we constantly heard
15 that it doesn't matter so much whether in this speech or
16 that speech words were spoken to incite violence. What
17 matters is that everyone knows that the DEP is the
18 political arm of the PKK and everyone knows therefore
19 that DEP deputies are implicated in PKK violence.
20 That's not the Negre case and that, was submit, is no
21 more consistent with international law as it would have
22 been consistent to prosecute any member of, say, the

1 Communist or for that matter even the Socialist Party in
2 Italy in the early 1980s because some words that he
3 spoke might have been interpreted in a certain way.

4 Ambassador Korn. I would like also just to
5 address briefly this concept of loyal versus disloyal
6 opposition, which strikes me as being an extremely
7 dangerous one if accepted as valid. Anyone can be
8 termed disloyal opposition at any time. How can you
9 have a state of law with a concept of that type?

10 Ms. Hafner. Doctor Karim?

11 Doctor Karim. I'm with Kurdish National
12 Congress. By the way, I am also affiliated with George
13 Washington University. So, it looks like we're taking
14 turns.

15 What I'd really like to -- mine is more of a
16 statement than a question, but you can comment on it.
17 That is I think Ambassador Korn accurately pointed out
18 that the Turkish Constitution from the beginning has
19 been one of denial for the Kurds. So, the DEP deputies,
20 in some of their statements that they have been accused
21 of separatism or trying to change the status quo, have
22 asked for legal ways through the Parliament to change

1 this constitution. The Turkish Constitution at present
2 does not recognize anything that's Kurdish, whether it's
3 Kurdish Party, Kurdish language. Nothing Kurdish is
4 recognized in the Constitution.

5 It's similar to the apartheid laws. There
6 were blacks who were put in some places and they could
7 have their rights as long as they were within those
8 boundaries, but the Kurds don't even have that. They
9 created -- if most of the Kurds in the Parliament act
10 like Buthelezi did in South Africa, they will be immune.
11 They can say things and that's fine. But if you talk
12 like Nelson Mandela or African National Congress, then
13 you are a terrorist, you are a separatist.

14 So, the problem in Turkey is the Constitution
15 is against the Kurdish and apartheid constitution very
16 similar to it. As long as that continues, there will be
17 PKK, there will be fighting. The present situation will
18 continue, and I don't think we will see an end to it.

19 Thank you.

20 Ms. Hafner. Would anyone care to comment or
21 does everyone agree?

22 Mr. Schneebaum. Outside my scope of

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1 expertise, such as it is.

2 Ms. Hafner. Ambassador Korn?

3 Mrs. Porter?

4 Mrs. Porter. Thank you. My name is Catherine
5 Cameron Porter and I'm here to make a statement. I'd
6 like to comment on a recent trip in which I visited the
7 Southeast of Turkey and which I culminated by having
8 dinner in Ankara with these two gentlemen who very ably
9 represented us there, and at which dinner we had with
10 Mr. Zana, who has now been arrested and is in poor
11 health as I understand it.

12 I might preface this by saying that my husband
13 is a member of the CSCE and that the Congressional Human
14 Rights Caucus was a caucus formed after John and I
15 traveled to the Soviet Union in 1982. I have long been
16 involved in human rights things and I have to say from
17 the bottom of my heart that the experience that I had in
18 Diyarbakir and the environs around Diyarbakir were the
19 most horrific, the most difficult from a personal and
20 from a morale and ethical standpoint that I have ever
21 encountered.

22 I really don't know where to begin, but I do

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1 know that I want to bring you the voices of the Kurdish
2 people that I talked to. I think that I'm one of a very
3 few number of Americans who have actually been able to
4 be on the ground there in the Southeast and to be there
5 and talk with Kurdish people without having an informer
6 from the Governor's Office traveling with me. In fact,
7 we went to a great deal of trouble to set up meetings
8 with the local people and specifically women and
9 teachers who seemed to be the target of the -- and I
10 have to use this term -- the police state that exists in
11 Turkey today.

12 We must recognize that it is not a democracy
13 that exists there and I think that our benign neglect as
14 a country is really allowing people to die in increasing
15 numbers everyday. I believe the people that helped me
16 while I was in Turkey are at great risk. Two of them
17 are missing since then. On my first evening there,
18 prior to a meeting that was to take place at 11:00 the
19 next day, the Super Governor who is appointed, is not an
20 elected position, called my hotel and informed me that
21 I had a meeting with him at 10:00. I have to believe it
22 was as a direct result of this informal meeting, this

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1 discussion group to take place. So, obviously, I did
2 meet with the Super Governor who tried to -- who was
3 very cordial and gracious, but at the same time tried to
4 orchestrate my movements. You cannot move outside of
5 Diyarbakir for more than a few miles at a time without
6 a police or military intervention and you must have his
7 blessing in order to travel. However, I did visit
8 burned out villages.

9 What I neglected to say was that that second
10 day, at 4:00 in the afternoon, one of the persons I
11 would have met with if I hadn't been with the governor,
12 was killed in the market, executed, shot in the back of
13 the head. The day after that, an eight year old boy, an
14 eight year old boy, was shot in his father's butcher
15 market. This was another case of a person who was going
16 to be at that meeting, that 10:00 meeting. A woman, a
17 teacher, has disappeared. We still don't know her
18 status. The last day I was there, another person
19 disappeared again.

20 People are being denied due process of law.
21 People are being picked up for smoking a Kurdish brand
22 of cigarette because it is a brand of cigarettes that

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1 the PKK has advocated. People are being brought in to
2 be questioned and never heard of again. They're being
3 asked to sign statements after torture, after watching
4 their daughters, their mothers, their wives being
5 tortured in front of them.

6 I was followed repeatedly, I was harassed at
7 my hotel to the point of having someone peeking through
8 the ventilation duct watching me take a shower. I have
9 never encountered such outright abuses of human rights
10 that are set upon and are being visited upon the Kurdish
11 population, in large part because the United States
12 doesn't have the courage to look at our policy there.
13 It's time to stop talking about the status quo in terms
14 of strategic interest. It's time for the United States
15 to press Turkey to talk to the guerrillas that exist and
16 to realize that the PKK has a wide acceptance amongst
17 the people there because they have no alternative.

18 Our insistence upon propping up the Turkish
19 government because of our need to maintain strategic
20 interest is really driving people toward fundamentalist
21 movement within Turkey. It's time for us to look at the
22 real strategic interest.

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1 I'd be happy to answer any questions. Thank
2 you.

3 Ms. Hafner. Thank you, Mrs. Porter.

4 Mr. Tan?

5 Mr. Tan. Well, thank you very much. I am
6 from the Turkish Embassy. My name is Namik Tan.

7 I think you should have been very much
8 impressed by Mrs. Porter's remarks about Turkey. I
9 think before you consider all those imaginary
10 statements, I should say, I should refresh your
11 memories, especially Mrs. Porter's.

12 Some years ago, she was in South Cyprus in
13 front of a group of -- just trying to protest Turkey's
14 invasion of -- so-called invasion of North Cyprus. So,
15 the aim to go to Southeast Turkey -- by the way, it is
16 by the help of the Turkish government. I should add
17 that. Is not to just relay a brief -- an objective
18 account of the serious events going on over there, but
19 just to abuse and exploit your feelings over here.

20 Having said that, I have a few questions to
21 our testifiers.

22 One of them regarding Mr. Ambassador's

1 references to Gures, the Chief of Turkish general staff.
2 He referred to him saying that the bandits are in the
3 Parliament, but not on the mountains. He said that
4 these are clear indications of inciting the state
5 authorities to prosecute those people, DEP members.

6 In fact, Gures, according to what you have
7 said about the indictments toward the DEP members, the
8 arrest of DEP members, has just done what you say a
9 speech act, nothing more than that. He said his views.
10 So, how do you simply just indicted him, convicted him
11 to inciting such kind of behavior from the state
12 authorities? But on the other hand, you are saying that
13 the DEP members have done nothing but just expressing
14 their views. This is my first question.

15 The second question is about the so-called
16 dissolution or dissolving the DEP prospective,
17 dissolution as you term it. You said all those members
18 will be losing their membership of the Parliament. As
19 a government official, I have had no idea about this
20 legal mechanism because all the members of DEP were
21 former HEP members. When HEP was dissolved, none of
22 them has lost their membership. So, why is that this

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1 time when DEP dissolves and all those members lose their
2 membership? That's my second question.

3 Thank you.

4 Ms. Hafner. Thank you very much.

5 Ambassador Korn?

6 Ambassador Korn. Well, first of all, I want
7 to say that all of us in the delegation appreciated the
8 assistance that First Secretary Tan gave us in
9 organizing this visit. So, I want that to be clear.

10 On the matter of General Gures, he was, I
11 suppose one could say, exercising his right of free
12 speech and he was not prosecuted for it. However, I
13 think it must be clear that someone in a position of
14 this sort has more than simply a right of free speech,
15 has a responsibility and one could imagine what would
16 happen if the Chief of Staff of the U.S. Armed Forces
17 got up and said, "In the Congress there are subversives.
18 Action must be taken against them."

19 I don't think that it is simply -- it's
20 tenable to say that a statement of this sort did not
21 influence or could not have been intended to influence
22 the actions of the Turkish Parliament.

1 Ms. Hafner. Actually, we do know what would
2 happen. We have our history to look at and that was
3 when a senator said there are subversives in this
4 country. So, we do know what it does to a democracy
5 and, in fact, what the consequences can be.

6 Mr. Schneebaum. Let me add -- before
7 addressing the second point, which is an easy one, let
8 me add to the former one. If there were an issue of
9 General Gures being criminally prosecuted, if he were
10 currently behind bars, not only behind bars for his
11 speech but denied, for example, the opportunity to be
12 visited by international observers who visit Turkey for
13 the purpose of checking up on him, simply because of the
14 statement that he made, I think that I at least, and I
15 suspect I may speak for Ambassador Korn as well, would
16 be willing to say that that was inconsistent with
17 Turkey's obligations under its international
18 commitments.

19 With respect to the second question Mr. Tan
20 asked, the answer to that can be found in the third
21 paragraph of Article 84 of the Turkish Constitution,
22 which says, and I quote, "The membership of deputies who

1 belonged to a party on the date when an action for
2 dissolution of that party was brought shall end on the
3 date when the presidency of the Turkish Grand National
4 Assembly is notified of the dissolution order." There's
5 no question about this. It's right there in the Turkish
6 Constitution. The reason that the deputies who were
7 members of the HEP did not lose their seats was that
8 they resigned from the HEP before the dissolution order
9 was presented. Several members, I think it's two, I'm
10 not certain, resigned from the DEP in advance of this
11 dissolution order. They will not lose their seats.
12 However, the other 13, that is the six who are in prison
13 plus the seven who are not, will, under Article 84, lose
14 their membership. It's a simple matter of what the
15 constitution says.

16 Ambassador Korn. There were four of them who
17 resigned.

18 Mr. Schneebaum. Four who resigned? Okay.

19 Mr. Xulam. My name is Kani Xulam. I am from
20 American Kurdish Information Network.

21 I was glad that the delegation was met in
22 Ankara well and it was received well. Had they gone to

1 the Southeast, I'm sure they would have had the same
2 fate of Mrs. Porter. Indeed, people that they would
3 meet would have been slaughtered and they would have had
4 the same experience.

5 In Ankara, in the Turkish Daily News that they
6 were able to follow, the facade is a beautiful one.
7 Probably on the face of it one might think that it's
8 truly democratic. But behind the scenes in the
9 Southeast, where the real war is waged on the Kurds,
10 it's a different story. In Turkey there is a democratic
11 struggle on the part of the Kurds to validate their
12 aspirations of living in the 20th Century with decency,
13 with dignity. Then there's the arms struggle.

14 In the Southeast the issue hasn't come up so
15 far is the Turkish Human Rights Association in last
16 year's report noted that 874 Kurdish villages were
17 destroyed. This, I think, should be clear and it should
18 be noted here. Nineteen Kurdish towns have been bombed
19 without a declaration of war. More than 1,000 Kurdish
20 activists who have simply said that we want political
21 change through dialogue have been killed by the death
22 squads, the so-called unidentified murderers. 24,000

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1 political prisoners are in jail because they think
2 differently as this democracy, because they think
3 differently because they're Kurds. That's the only fault
4 of theirs and they're behind bars.

5 Amnesty has reported that 15 people have
6 disappeared this year alone and Serif Ausar, the brother
7 of Behcet Ausar, the spokesperson for the Ozgur Gundum
8 in Europe, was taken away about a week ago and three or
9 four days ago was found with two bullet holes in his
10 head. This also should be brought up and this also
11 should be clear.

12 The challenge is really to validate the
13 democratic forces in Turkey. This is, I believe, the
14 challenge of this country. Had Democracy Party been
15 allowed to vote in the Southeast, had been allowed to
16 participate in the election, the fundamentalist rise
17 would not have taken place, it's my opinion, and the
18 problem that we face today, the deterioration of the
19 conditions, would not have gone from bad to worse.

20 Thank you.

21 Ms. Hafner. Thank you very much, Kani.

22 Do we have anymore questions from the

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1 audience?

2 Before closing, I would just like to add to
3 what Ambassador Korn said earlier. That is regarding
4 Mehdi Zana. We view this as a very serious concern on
5 the part of the Commission and I will tell you that the
6 Chairman, Senator DeConcini and Congressman Hoyer have,
7 in fact, cabled the prime minister and protested this
8 action. I would like to read to you a statement by Mr.
9 DeConcini and Mr. Hoyer.

10 "The increasingly frequent practice to arrest
11 those who speak out peacefully for Kurdish rights is an
12 affront to democracy and violates international human
13 rights commitments undertaken by the government of
14 Turkey. Having met with Mehdi Zana, we know him to be
15 a man of honor and peaceful intentions. Although he has
16 never participated in or even advocated acts of
17 violence, he has already spent over 15 years in prison
18 and has been subjected to torture. This latest sentence
19 is further indication that democracy in Turkey is
20 becoming increasingly fragile."

21 That was a statement issued by Mr. DeConcini
22 and Mr. Hoyer today.

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1 I would like to thank both of our panelists
2 for joining the Commission. I think perhaps that a
3 further understanding of the legal grounds upon which
4 governments act against their citizens is critical in
5 analyzing any government or any society that puts
6 forward the view that, in fact, it is a society based on
7 rule of law, which I believe Turkey, in fact, aspires to
8 be.

9 Thank you very much.

10 (Whereupon, at 3:26 p.m., the hearing was
11 concluded.)
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